

REMARKS

Claims 1-15 remain pending in the present application. Claims 16-21 have been withdrawn by the Examiner. Claims 4 and 9-11 have been amended. Basis for the amendments can be found throughout the specification, drawings, and claims as originally filed

REJECTION UNDER 35 U.S.C. §102(b)

The Examiner has rejected Claims 1, 2 4-7, 9-12, 14 and 15 under 35 U.S.C. §102(b) as being anticipated by Kawaguchi et al. (U.S. Patent No. 4,485,897). The Examiner alleges that this reference anticipates Applicant's invention.

Claim 1 defines an opening in the caliper which is formed between the first wall, second wall, and a pair of bridge sides. The Kawaguchi et al. reference relied on by the Examiner fails to disclose or suggest any bridge sides. The Kawaguchi et al. reference includes a bottom piece identified with the numeral 40 which has a span which is completely solid and therefore no bridge sides exist as claimed. Thus, the Kawaguchi et al. reference has a single opening which is consistent with prior art calipers. In fact, Kawaguchi et al. is nothing more than a prior art caliper which has been inverted and positioned to brake a ring structure. Accordingly, the Kawaguchi et al. reference fails to anticipate Applicant's invention.

In fact, Kawaguchi et al. fails to disclose or suggest any type of bridge members as claimed by Applicant. Accordingly, Applicant believes independent Claim 1 to be patentably distinct over the art cited by the Examiner. Likewise, Claims 2-6 which depend from Claim 1 are patentably distinct over the art cited by the Examiner. Claim 7 is patterned after Claim 1 and the above remarks equally apply to Claim 7. Claims 8-15

depend from Claim 7. Accordingly, Claims 7-15 are believed to be patentably distinct over the art cited by the Examiner.

PROVISIONAL DOUBLE-PATENTING REJECTION

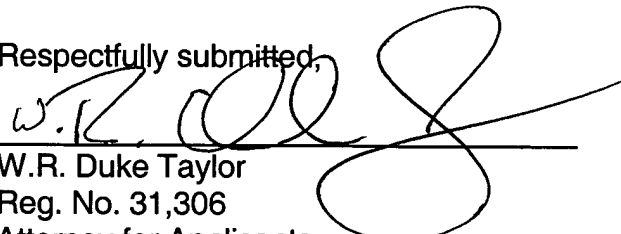
The Examiner has provisionally rejected Claims 1-15 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-12 and 20 of co-pending Application No. 10/395,925.

Upon the allowance of the present application or the '925 application, Applicant will submit, if necessary, a terminal disclaimer overcoming the Examiner's obviousness-type double patenting rejection.

Accordingly, since neither application has been allowed or has issued as a patent, this rejection is not ripe.

In light of the above amendments and remarks, Applicant submits that all pending claims are in condition for allowance. Accordingly, Applicant respectfully requests the Examiner to pass the case to issue at his earliest possible convenience. Should the Examiner have any questions regarding the present application, he should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,



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